

Message Text

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ACTION L-03

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FM AMCONSUL MONTERREY

TO SECSTATE WASHDC PRIORITY 2743

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS MONTERREY 0765

DEPARTMENT FOR L/M

E.O. 11652: N/A

TAGS: ACLM, MX

SUBJ: USDA/APHIS CASE

REF; MONTERREY 0758

1. LIC. ANTONIO GUERRA, MONTERREY ATTORNEY RETAINED BY USDA/APHIS TO REPRESENT IT IN CASE PENDING BEFORE THE JUNTA DE CONCILIACION Y ARBITRAJE, MET INFORMALLY WITH JUNTA PRESIDENT EARLY ON MORNING OF AUGUST 20 TO CONTEST JUNTA'S COMPETENCE TO ADJUDICATE THE CASE. GUERRA ARGUED, BOTH ORALLY AND IN DOCUMENT PRESENTED TO JUNTA PRESIDENT, THAT THE JUNTA HAD ACTED IMPROPERLY IN DELIVERING THE "DEMANDA" DIRECTLY TO USDA/APHIS RATHER THAN TRANSMITING IT TO THE EMBASSY THROUGH THE SECRETARIAT OF FOREIGN RELATIONS IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED PRACTICE. AFTER HEARING GUERRA AND READING HIS WRITTEN ARGUMENT, JUNTA PRESIDENT AGREED THAT AN IMPROPER PROCEDURE HAD BEEN FOLLOWED AND STATED THAT THEREFORE HE WAS PREPARED TO DECLARE THE JUNTA INCOMPETENT TO ADJUDICATE THE CASE. HE POINTED OUT, HOWEVER, THAT THE LAW REQUIRED THAT GUERRA PRESENT HIS ARGUMENT FORMALLY BEFORE THE JUNTA AT AN "OFRECIMIENTO DE PRUEBAS" TO BE SCHEDULED WITHIN FIFTEEN DAYS. THE JUNTA PRESIDENT ASSURED GUERRA THAT AT THAT "OFRECIMIENTO DE PUREBAS". HE WOULD DECLARE THE JUNTA INCOMPETENT TO HEAR THE CASE AND WOULD ADVISE THE FAMILY OF THE DECEASED WOMAN THAT IF THEY DESIRED TO PURSUE THE CLAIM, THE JUNTA WOULD FORWARD THE "DEMANDA" TO THE SECRETARIAT OF FOREIGN RELATIONS FOR DELIVERY

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TO THE EMBASSY. MENANWHILE, THE JUNTA PRESIDENT HAS

SUSPENDED INDEFINITELY THE "OFRECIMIENTO DE PRUEBAS" ON THE
SUBSTANCE OF THE CLAIM THAT HAD BEEN SCHEDULED FOR 11 A.M. ON
AUGUST 20.

2. TO SUPPORT HIS CASE BEFORE THE JUNTA AT THE "OFRECIMIENTO
DE PRUEBAS" TO BE HELD TO FORMALLY DETERMINE THE JUNTA'S
COMPETENCE, LIC. GUERRA HAS REQUESTED AN AUTHENTICATED COPY
OF THE SECRETARIAT OF FOREIGN RELATIONS; NOTE TO THE EMBASSY
NO. 804471, DATED MAY 6, 1975. AN AUTHENTICATED COPY OF THIS
NOTE HAS BEEN REQUESTED FROM THE EMBASSY IN MEXICO.
LAMBERT

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NNN

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Margaret P. Grafeld
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